



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 26
AGENDA DATE: Thu 12/01/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1-Newton Street Area Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 732 square foot temporary working space easement out of Lot 14, Block 3-B, C.A. Newning's and Geo. Warners Subdivision of Blocks 3-B and 4-B, Swisher Addition, Travis County, Texas, in the amount of \$3,625. The owners of the needed property interest are George Robert McLaughlin Wert and Audra Wert of Austin, Texas. The property is located at 416 West Annie Street, Austin, Travis County, Texas.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.

FISCAL NOTE: A fiscal note is attached.

REQUESTING Public Works **DIRECTOR'S**
DEPARTMENT:for Austin Water Utility; **AUTHORIZATION:** Sondra Creighton

FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The design plans for the Govalle 1-Newton Street Area Wastewater Improvements Project, a portion of the Austin Clean Water Program, require acquisition of a temporary working space easement on the property located at 416 West Annie Street, Austin, Travis County, Texas.

The City of Austin has attempted to purchase the temporary working space easement from the landowners. However, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

12/01/05
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1-Newton Street Area Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a temporary working space easement comprised of 732 square feet of land out of Lot 14, Block 3-B, of C.A. Newmyer's and Geo. Warners subdivision of Blocks 3-B and 4-B, Swisher Addition, Travis County, Texas, in the amount of \$3,625. The owners of the property interest sought to be acquired are George Robert McLaughlin Wert and Audra Wert of Austin, Texas. The property is located at 418 West Annie Street, Austin, Travis County, Texas.

FINANCIAL INFORMATION:

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2005-06 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 576,217,793.00
Unencumbered Balance	201,661,636.27 *
Amount of This Action	<u>(3,625.00)</u>
Remaining Balance	<u>\$ 201,658,011.27</u>
Current Available Balance	\$ 211,189,538.02
Less Outstanding Commitments	<u>(9,527,901.75)</u>
Estimated Unencumbered Balance	<u>\$ 201,661,636.27 *</u>

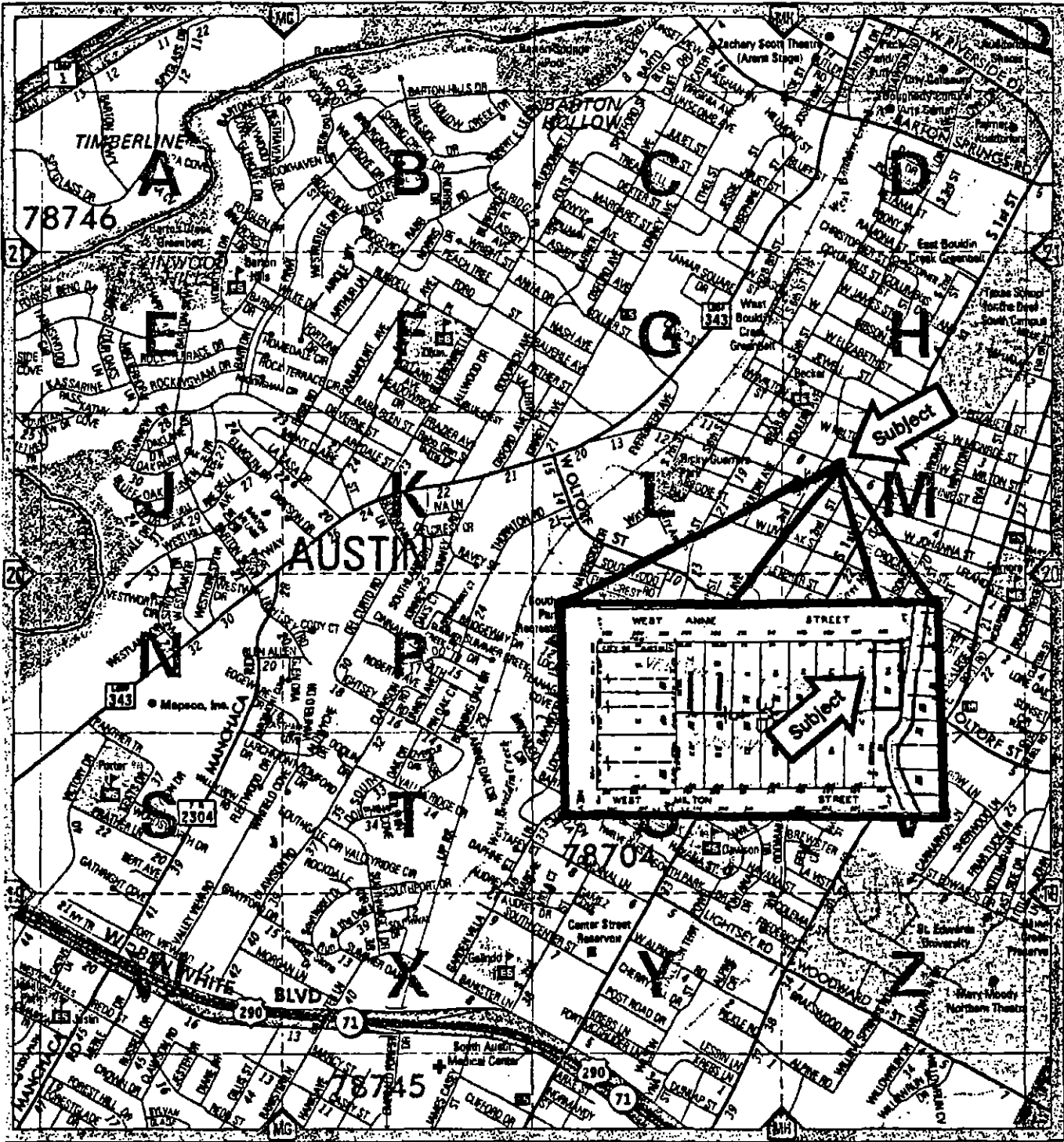
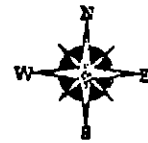
Utility Finance:


David Anders, Utility Finance Manager

Date:

11/2/05

REF. # 4570 237 4560



CONTINUED ON MAP 613

CONTINUED ON MAP 614

CONTINUED ON MAP 615



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RESOLUTION NO. 20051201-0

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire a certain real property interest for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase the needed real property interest but has been unable to agree with the owners on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interest needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: George Robert McLaughlin Wert and Audra Wert

Project: Govalle 1-Newton Street Area Wastewater Improvements Project, a portion of the Austin Clean Water Program

Intended Purpose: the temporary working space easement described in the attached Exhibit "A" is necessary to install permanent wastewater lines and appurtenances thereto, on surrounding property in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines, and to comply with a federal mandate.

Location: 416 West Annie Street, Austin, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: December 1, 2005

ATTEST: _____
Shirley A. Brown
City Clerk